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September 17, 2012

The Honorable Jack B. Weinstein
United States District Court
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

BY ECF

**Re: U.S. v. Stefano Lombardo
11-CR-414 (S-2)-01 (JBW)
Motion To Set Aside Judgment**

Dear Judge Weinstein,

Both the government and counsel for Mr. Lombardo are requesting a “stay” of the defendant’s present motion seeking to set aside his judgment, pending the outcome of the government’s appeal to the Second Circuit in co-defendant U.S. v. DiCristina’s case.

Both AUSA Roger Burlingame and Marisa Seifan along with defense counsel agree that a stay of the defendant’s present motion pending the Circuit’s decision in DiCristina will conserve substantial judicial resources while at the same time preserving the present motion before this Court.

In conclusion both the government and defense counsel are respectfully seeking a “stay” of the defendant’s present motion to set aside his judgment pending the outcome of the Second Circuit’s ruling on the question of law presented in U.S. v. DiCristina.

Respectfully submitted,


James J. DiPietro
Counsel for Stefano Lombardo

cc: AUSA Roger Burlingame (by ECF)
AUSA Marisa Seifan (by ECF)

SO ORDERED:

Dated: September: , 2012

HONORABLE JACK B. WEINSTEIN